

S M I T H  
D I A M O N D  
& O L N E Y  
ATTORNEYS AT LAW

MUR 5489

Barbara J. Diamond  
Margaret S. Olney\*  
Monica A. Smith

\* Member Oregon and Washington Bars

July 20, 2004

VIA OVERNIGHT DELIVERY

Office of General Counsel  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

2004 JUL 22 P 2:18

Re: FEC Complaint against Bush-Cheney '04, Citizens for a Sound  
Economy and Ralph Nader for President  
Our File No. 3054

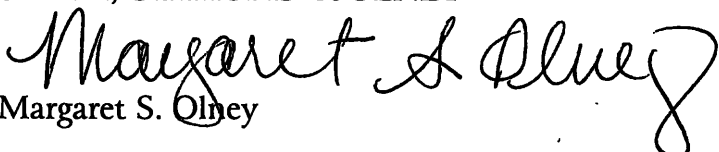
Dear Sir/Madam:

This office represents Ellen Lowe, a long-time Oregon activist who wishes to file the enclosed complaint against three organizations that we believe have violated federal election laws. The three groups are (1) the Bush-Cheney '04 campaign; (2) Citizens for a Sound Economy and (3) Ralph Nader for President 2004. The violations have arisen as a result of efforts by the Bush-Cheney campaign and its supporters -- including the non-profit corporation Citizens for a Sound Economy -- to support President Bush's reelection campaign by getting Ralph Nader on the ballot. We believe that the election law violations are blatant and urge the Commission to fully investigate the allegations and hold each respondent fully responsible for its unlawful actions.

Thank you for your consideration. If you need any additional information, please do not hesitate to call.

Sincerely,

SMITH, DIAMOND & OLNEY

  
Margaret S. Olney

cc: Ellen Lowe

F:\mso\Election\America Coming Together\cover letter wpd

25044121455

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of:

Bush-Cheney '04, Inc.  
P.O. Box 10648  
Arlington, VA 22210

and

Citizens for a Sound Economy  
1523 16th Street, NW, 2<sup>nd</sup> Floor  
Washington, DC 20036

and

Nader for President 2004  
P.O. Box 18002  
Washington, DC 20036

Complainant:

Ellen Lowe  
901 SW King Avenue, #912  
Portland, OR 97205

MUR No. 5489

COMPLAINT

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

2004 JUL 22 P 2:18

INTRODUCTION

This complaint is about the ongoing efforts of the Bush-Cheney '04 campaign and its supporters – including the purportedly non-profit corporation, Citizens for a Sound Economy – to assist Ralph Nader in qualifying for the ballot in Oregon. Their unlawful activities include (1) calling Bush-Cheney activists and supporters of Citizens for a Sound Economy to urge them to attend Ralph Nader's Assembly of Electors for the express purpose of defeating Kerry by getting Mr. Nader on the ballot; (2) releasing inaccurate information in order to cover up the illegal activity; and (3) collecting signatures on Ralph Nader's nominating petitions using the mailing list and other resources of Citizens for a Sound Economy.

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The express purpose of this coordinated assistance is to draw votes away from President Bush's expected Democratic opponent, John Kerry, in order to aid President Bush's reelection bid in Oregon. This conduct is illegal under federal election laws. It also demonstrates how willing President Bush's supporters are to cynically manipulate the system and Oregon voters in order to get President Bush elected. Accordingly, complainant is Ellen Lowe filing this complaint with the Federal Elections Commission (FEC). Lowe is the former Public Policy Director of Ecumenical Ministries of Oregon and is considered a moral leader of the progressive community of Oregon. As a concerned citizen and long-time activist in Oregon politics, she has a keen interest in ensuring the integrity of the election process in Oregon.

Below, we will first set out the factual allegations and then more specifically identify the election law violations we believe have occurred.

### FACTUAL ALLEGATIONS

1. Respondent Bush-Cheney '04 (BC '04) is the principal campaign committee for the reelection of President George W. Bush and Vice President Richard B. Cheney. It is registered as such with the FEC.
2. Respondent Citizens for a Sound Economy (CSE) is an incorporated organization and represents itself as tax-exempt under § 501(c)(4) of the Internal Revenue Code. CSE also has an affiliated "educational foundation" that represents itself as tax-exempt under § 501(c)(3) of the Internal Revenue Code.
3. Respondent, Nader for President 2004 Committee is the principal campaign committee for the election of independent presidential candidate Ralph Nader. It is registered as such with the FEC.
4. In late June, 2004, CSE paid for and operated a telephone bank in Oregon explicitly urging state voters to attend a "nominating party" hosted by the Nader campaign in order to collect a sufficient number of signatures to qualify Mr. Nader for Oregon's presidential election ballot. See "Nader Getting Support From Unlikely Voters," *The Oregonian*, June 25, 2004 (Exhibit A).
5. The explicit purpose of CSE's assistance to the Nader efforts to appear on the ballot is to take votes away from the expected Democratic Party nominee, John Kerry, and help expected Republican Party nominee President Bush win Oregon's electoral votes. As CSE's Russ Walker told the *Oregonian*, "[w]e don't

agree with Ralph Nader's positions on these issues – he's socialistic and we're free marketers. We think he'll take some of the more extreme votes from the other side." *Id.*

6. Phone bankers calling on behalf of CSE expressly advocated the defeat of John Kerry and the nomination of Ralph Nader. They used the following script to entice voters to support President Bush by participating in Mr. Nader's "nominating party":

*Hi. This is \_\_\_\_\_ with Citizens for a Sound Economy. I am calling because we have a chance to stop John Kerry from winning in Oregon.*

*As you have probably heard, Ralph Nader is trying to make the ballot in Oregon for the November Election. He is going to be in town this weekend to host a nominating party on Saturday night at Benson High School.*

*Ralph Nader needs 1000 signatures to qualify for the ballot, and we need to ensure he gets them.*

*Ralph Nader is undoubtedly going to pull some very crucial votes from John Kerry, and that could mean the difference in a razor-thin Presidential election.*

*Can we count on you to come out on Saturday night and sign the petition to nominate Ralph Nader?"*

See *With Friends Like These . . .*, The Hotline, June 25, 2004 (Exhibit B).

7. The BC '04 campaign office has provided office space and other assistance for CSE to carry out this phone bank. Exhibit A.

8. In addition, the Bush-Cheney campaign itself made calls encouraging Republicans to attend the nominating party in order to ensure Mr. Nader's presence on the ballot. The content of these calls was virtually identical to the message being given by CSE. Exhibits A & B.

9. The Nader Committee has accepted and welcomed this assistance from BC '04 and CSE. Exhibits A & B.

10. After media reports cast light on CSE's scheme to expressly advocate against the election of John Kerry and for the nomination of Ralph Nader, CSE issued a press release stating that "CSE does not advocate the election or defeat of political candidates, but Oregon CSE members feel that having Nader on the ballot helps illuminate the strong similarities between the uber-liberal Nader and John Kerry." See Citizens for a Sound Economy, *Phone Script: Conservatives for Ralph Nader?* June 27, 2004 (Exhibit C). That same press release includes a script that was allegedly used by CSE phone bankers attempting to recruit voters to Mr. Nader's "nominating party." *Id.*

11. In reality, the script released by CSE is an edited version of the script actually used by phone bankers. (See paragraph 6, *supra*.) The script was apparently edited by CSE and released to the press in a transparent effort to remove any trace of unlawful express advocacy (e.g., "stop John Kerry from winning in Oregon" is changed to "drive a wedge through the Liberal Left's base of support.")

12. Although there were a sufficient number of electors present at the Nader "nominating party" to qualify as an "Assembly of Electors" under Oregon election law, it appears that Mr. Nader did not collect the required number of verified signatures. Therefore, the Nader for President campaign has announced that it intends to circulate petitions to place Ralph Nader on the ballot. "Nader Planning Petition Drive To Qualify for Oregon's Ballot," *The Oregonian*, July 13, 2004. Exhibit D.

13. CSE, evidently concerned that its unlawful efforts to support the "nomination party" did not result in Mr. Nader's qualification for the ballot, is once again unlawfully assisting Mr. Nader's campaign. In news reports, CSE has announced its plan to collect signatures on Ralph Nader's petitions for independent nomination by using its 170,000 mailing list and providing other assistance. *Id.* See also OPB News, July 7, 2004, Exhibit E. Indeed, CSE's Oregon director told *The Oregonian* newspaper that "[w]e actually talked about launching this (petition drive) ourselves . . . [w]e are going to do something. Probably, at a minimum, we'd ask members to circulate the petition and help get Nader on the ballot."

14. The Nader campaign has publicly stated that it has no control over who circulates petitions. According to news reports, Nader supporter Greg Kafoury stated, "It's a free country. Anybody can download these things. Anybody can get signatures on these. Nobody needs my permission." See Exhibit D. However, Oregon law regarding the circulation of petitions is to the contrary. As set out in the State Candidate's Manual for Individual Electors – a manual that has the effect of an

administrative rule -- the Chief Sponsor of a petition for independent nomination must review with circulators the requirements for circulating petitions. The Chief Sponsor is also responsible for sorting, numbering and otherwise preparing signature sheets for submission to elections officials. Petitions cannot be submitted by CSE. Accordingly, it is disingenuous at best for the Nader campaign to claim that it has not coordinated with and accepted the assistance of Citizens for a Sound Economy.

## **VIOLATIONS OF LAW**

### **COUNT 1**

#### **(BC '04 and CSE: Unlawful Coordinated and Unreported Contributions and Expenditures re: Phone Bank)**

15. The Citizens for a Sound Economy phone bank described above was unlawfully coordinated with the Bush-Cheney '04 reelection committee. As publicly reported in *The Oregonian*, the BC '04 campaign office in Oregon has called Republican and Republican-leaning organizations urging them to support Mr. Nader's campaign in order to help Bush-Cheney win in Oregon by drawing votes away from Kerry-Edwards. In addition, Bush-Cheney phones appear to have been used by CSE to make the calls. (See Exhibit A.)

16. BC '04 and its agents appear to have been materially involved in the plan behind the phone campaign described above by, at the very least, determining content (opposition to Kerry and support of Nader), the intended audience (conservative Oregon voters), and the timing (in the days before Nader's rally to get ballot signatures). The fact that the Bush-Cheney campaign was engaged in virtually identical activities (recruiting Republicans to attend the "nominating party") confirms that BC '04 conveyed information about the plans, projects, activities and needs of the committee -- specifically its desire to support Nader's effort to gain ballot access in order to defeat Kerry -- to CSE.

17. Any of the above activities independently suffices to establish that CSE's phone bank was "coordinated" with BC '04, as defined in 11 CFR § 109.21.

18. 11 CFR § 109.22 provides that "[a]ny person who is otherwise prohibited from making contributions or expenditures under any part of the Act or Commission regulations is prohibited from paying for a coordinated communication."

19. BC '04 has unlawfully accepted CSE's in-kind contribution of this phone bank and its mailing list.

20. CSE is also required by 11 CFR § 109.21(b)(1) to report any expenses associated with this coordinated campaign to the FEC as in-kind contributions to BC '04. On information and belief, CSE has not reported, nor does it intend to report these contributions.

21. Furthermore, through its own activities as well as its coordination with CSE, BC '04 has made independent expenditures on behalf of the Nader campaign (if its action was not coordinated with the Nader campaign; *but see* Count 5, below), which BC '04 must report. Again, upon information and belief, we do not believe that BC '04 has or intends to report such independent expenditures.

## COUNT 2

### (CSE: Unlawful Independent Expenditure re: Phone Bank)

22. CSE is a "corporation" within the meaning of 2 U.S.C. § 441b(a). CSE also accepts many substantial contributions from other corporations. Media Transparency reports, for example, that CSE has accepted at least \$1 million from Phillip Morris, \$1 million from US West, \$25,000 from Hertz, \$25,000 from DaimlerChrysler AG, \$175,000 from Exxon, \$280,000 from the U.S. Sugar Corporation, \$280,000 from Florida Crystals, \$140,000 from the Sugar Cane Growers Cooperative of Florida, and \$380,000 from Microsoft. See Media Transparency Report, <http://www.mediatransparency.org/recipients/cse.htm> (attached as Exhibit D).

23. The phone bank message described above identifies the caller as calling from "Citizens for a Sound Economy."

24. The phone bank message expressly advocates the defeat of John Kerry ("we have a chance to stop John Kerry from winning") and the nomination of Ralph Nader ("Can we count on you to come out on Saturday night and sign the petition to nominate Ralph Nader?").

25. If not unlawfully coordinated with BC '04 (*but see* Count 1 above), this phone bank is an unlawful independent expenditure by CSE under 2 U.S.C. § 441b(b) and 11 CFR § 100.16, because it "expressly advocat[es] the election or defeat of ...clearly identified candidate[s]" for federal office. All such independent expenditures must be made exclusively with federal funds subject to the source and amount restrictions of the FECA. Instead, CSE – which is not a federal PAC, and does not restrict contributions to the sources or amounts permitted by federal law -- has used non-federal ("soft") money for these expenditures.

26. If an independent expenditure on behalf of the Nader Committee has been made, CSE must report it to the FEC. We do not believe that CSE has or intends to report such independent expenditures.

### **COUNT 3**

#### **(BC '04, CSE and Nader Campaign: Unlawful Coordination and Unreported Contributions and Expenditures re: Phone Bank)**

27. The phone bank described above was unlawfully coordinated by BC '04 and CSE with the Nader campaign.

28. It has been reported in the *Oregonian* newspaper that the Nader campaign "saw nothing wrong with the Republican outreach efforts." (See Exhibit A.) Given the Nader campaign's refusal to distance itself from these efforts, it appears that the Nader campaign suggested or requested the phone bank or, at a minimum, assented to CSE's support.

29. Any of the above activities independently suffices to establish that the phone bank was "coordinated" with Nader for President, as defined in 11 CFR §109.21. As discussed above, CSE may not lawfully pay for the phone bank after coordinating with the Nader campaign.

30. Furthermore, the Nader Committee has unlawfully accepted CSE's in-kind contribution. Any contribution from CSE to the Nader Committee is a corporate contribution that violates § 441b(b).

31. BC '04 and CSE have made contributions to the Nader Committee. BC '04 and CSE must report them to the FEC as contributions, and the Nader Committee must report them as contributions received and expenditures made. On information and belief, none of these entities has or intends to file such reports.

### **COUNT 4**

#### **(BC '04: Disqualification as Authorized Campaign Committee)**

32. Any in-kind contribution by BC '04 to the Nader Committee exceeding \$1,000 renders BC '04 ineligible to be the authorized campaign committee for George W. Bush and Richard B. Cheney. 2 U.S.C. § 432(e)(3)(B); 11 C.F.R. § 102.12(c)(2). Upon information and belief, the value of BC '04's in-kind contribution to the Nader Committee exceeded \$1,000. Accordingly, BC '04 is no longer eligible to be their authorized campaign committee.



**COUNT 5**  
**(CSE: Unlawful Failure to Use Disclaimers)**

33. Pursuant to 11 C.F.R. §110.11(a)(2), all public communications that expressly advocate the election or defeat of a clearly identified candidate must include a disclaimer. If the communication is authorized by a candidate, a candidate committee, or an agent of either, but is paid for by another entity, the disclaimer must clearly state who paid for the communication and that it is authorized by the candidate, candidate committee or an agent of either. See 11 C.F.R. §110.11(b)(2).

34. The telephone bank sponsored by CSE is a "public communication." See 11 C.F.R. §100.26. Furthermore, as discussed above, the calls paid for by CSE expressly call for the defeat of John Kerry and the nomination of Ralph Nader.

35. As discussed above, the phone banks were authorized, approved and sponsored by BC '04 and the Nader Committee. Therefore, phone bankers *must* include a disclaimer stating that CSE paid for the call and that the call is authorized by BC '04 and the Nader Committee. The script includes no such disclaimer and reports are that a disclaimer was not read to recipients of the phone calls.

36. Assuming, against all evidence, that the calls were not authorized by BC '04 and the Nader Committee, they still unlawfully omitted a required disclaimer. Any public communication expressly advocating the election or defeat of a candidate that was *not* authorized by a campaign or campaign committee must still clearly state the full name and permanent street address, telephone number or World Wide Web address of the party who paid for the communication and that it was not authorized by a candidate or candidate's committee. See 11 C.F.R. §110(b)(3).

**COUNT 6**  
**(CSE, BC '04 and Nader Committee: Unlawful Expenditures and  
Coordination re: Nominating Petitions)**

37. On information and belief, CSE's circulation of the Nader petition includes an express advocacy message similar to the one included in the phone script discussed above. Therefore, because CSE is a "corporation" within the meaning of 2 U.S.C. § 441b(a), CSE's direct mail effort is an unlawful independent expenditure under 2 U.S.C. § 441b(b) and 11 CFR § 100.16. As noted above, CSE may not use non-federal money to finance express advocacy communications. Additionally, CSE must report this independent expenditure to the FEC. On information and belief, CSE has not, and does not intend to, report such independent expenditures.

38. Even in the unlikely event that CSE's circulation of the Nader petition does not include an express advocacy message, it is still an unlawful expenditure of unregulated funds. The FEC has held that a candidate must use federal funds to challenge an opponent's nominating petitions. (Advisory Opinion, No. 1980-57.) This language applies directly to CSE's conduct in Oregon, for there is no analytical distinction between an effort to force a candidate off the ballot for the purpose of securing more votes and an effort to place somebody *on* the ballot for the purpose of siphoning votes away from your central opponent (in this case, Mr. Kerry.) CSE, by using corporate funds to circulate Mr. Nader's ballot petition, has thereby made an unlawful expenditure.

39. On information and belief, BC '04 and its agents have been materially involved in the plan behind CSE's unlawful circulation of Mr. Nader's ballot petition. As with the phone bank described above, there is ample reason to believe that BC '04 was materially involved in the determination of the content, the intended audience and the timing of CSE's petition drive. Further, as with the phone bank, there is ample reason to believe that information about the plans, projects, activities, and needs of BC '04 was conveyed by BC '04 or its agents to CSE.

40. Any of the above activities independently suffices to establish that CSE's circulation of the Nader petition was "coordinated" with BC '04, as defined in 11 CFR §109.21. As discussed above, it is unlawful for any person (such as CSE) prohibited from making expenditures under FECA to pay for a coordinated communication. (11 CFR §109.22.) Furthermore, CSE is required by 11 CFR § 109.21(b)(1) to report any expenses associated with this coordinated petition drive to the FEC as in-kind contributions to BC '04. On information and belief, CSE has not reported, and does not intend to report, these contributions.

41. Any of the above activities independently suffices to establish that the CSE efforts to obtain signatures on Mr. Nader's nominating petitions is "coordinated" with Nader for President, as defined in 11 CFR §109.21. As discussed above, CSE may not lawfully pay for collecting signatures after coordinating with the Nader campaign. The Nader campaign's claim that it has nothing to do with CSE's efforts (*i.e.* Greg Kafoury's statement that "[a]nybody can download these things. Anybody can get signatures on these. Nobody needs my permission.") is belied by the fact that, as Chief Sponsor, Ralph Nader necessarily controls the process of submitting petitions for independent nomination to the Secretary of State's office. Accordingly, if the Nader campaign submits signatures collected by CSE, the election law violations outlined above will necessarily have occurred.

## CONCLUSION


For all the above reasons, the complainants respectfully urge the Commission to find reason to believe that BC '04, CSE and the Nader Committee have violated FECA, to open an investigation into the conduct of BC '04, CSE and the Nader Committee, and then to find probable cause to believe that the violations of FECA have occurred.

Respectfully submitted,

  
Ellen Lowe

## VERIFICATION

The complainant hereby verifies that the statements made in the attached complaint are, upon information and belief, true.

  
Ellen Lowe

7/20/04  
Date

SUBSCRIBED AND SWORN to before me this 20<sup>th</sup> day of July, 2004.



  
Notary Public for Oregon

# Portland Oregonian

Oregonian, The (Portland, OR)

June 25, 2004

## NADER GETTING A PUSH FROM UNLIKELY SOURCE

Author: JEFF MAPES - The Oregonian

Edition: SUNRISE

Section: LOCAL STORIES

Page: A01

Estimated printed pages: 3

### Article Text:

Summary: Conservative groups hope to draw votes from Democratic candidate Sen. John McCain. Groups allied with President Bush are encouraging their conservative members to do the seemingly unthinkable: attend a convention Saturday to help put left-leaning independent candidate Ralph Nader on the Oregon presidential ballot.

The groups -- with the encouragement of some Republican political operatives -- are telling members that Nader would draw votes from Democrat Sen. John Kerry and boost Bush's chances of winning Oregon.

Polls show Bush and Kerry running close here, and both campaigns think the race could be affected by whether Nader makes the ballot. In April, Nader held a Portland convention to attract the 1,000 registered voters required to put him on the November ballot. Democratic activists picketed the event and urged voters not to support Nader.

Nader plans to try again at 5 p.m. Saturday in Portland's Benson High School, and this time he has openly courted conservatives as well as voters who oppose Bush on such issues as the environment and the war in Iraq.

Officials from two groups that have been calling members -- the Oregon Family Council and Citizens for a Sound Economy -- said they had no qualms about trying to help Nader despite opposing most of what he stands for.

"We'd like to take a few votes away from John Kerry if it would be possible," said Tim Glick, the Oregon Family Council, which has been making hundreds of phone calls to members to help get Nader on the ballot.

The Oregon Family Council also puts out a guide for Christian voters and Nashif is a key organizer of the effort to qualify a ballot measure that would prohibit same-sex marriage in the state.

"Ralph Nader is undoubtedly going to pull some very crucial votes from John Kerry, and could mean the difference in a razor-thin presidential election," reads a script used by Citizens for a Sound Economy in its phone calls. "Can we count on you to come out on Saturday night sign the petition to nominate Ralph Nader?"

Russ Walker, state director of Citizens for a Sound Economy, which led the successful effort to repeal a state income tax increase approved by the 2003 Oregon Legislature, said the idea of helping Nader has been widely discussed among conservative groups and activists in Oregon.

"It's definitely an interesting scenario," Walker said. "We don't agree with Ralph Nader's positions on the issues -- he's socialistic and we're free marketers. . . . We think he'll take some of the extreme votes from the other side."

Another official in the Oregon Family Council, Mike White, said he was encouraged by the Oregon Republican Party to help boost turnout for Nader's convention. White said the effort was "some kind of party outreach thing."

Lee Coleman, a member of the Oregon State Republican Central Committee, said he received calls this week from Republican sources urging him to help Nader.

One came from a member of the Washington County Young Republicans, according to who said he has decided to oppose Bush this year. The other call, which Coleman said in a message left on his answering machine, included what turned out to be a number for the Cheney campaign office in Oregon.

Bush campaign spokesman Steve Schmidt said no paid campaign staffers were making calls to encourage Republicans to help Nader. But he said some volunteers may well have made the campaign's office.

"The campaign certainly understands that when Republican volunteers see that there are Democrat volunteers trying to restrict the choice and keep Ralph Nader off the ballot, they should work to expand choice," Schmidt said.

In Arizona, Democratic voters have sued in an attempt to remove Nader from the ballot. Democrats say they believe Nader got secret help from Republicans, a charge denied by Republicans.

Laura Capps, a Kerry spokeswoman, criticized the Republican help for Nader in Oregon. "It was a shame the Bush camp has to resort to such tactics to lure their base to support a party candidate."

Portland attorney Greg Kafoury, who heads the Nader campaign in Oregon, said he saw nothing wrong with the Republican outreach efforts.

"It's a free country," he said. "People do things in their own interest."

Nader, who spoke Thursday on one conservative talk radio show in Portland, has made a determined effort this year to persuade conservatives to abandon Bush. At the same time,

said Nader has had to contend with supporters of Kerry who are trying to keep him off th

For example, Kafoury said that the Nader campaign put up fliers on dozens of utility pol  
the city advertising the Saturday event and that most were torn down within 12 hours.

"Four years ago, our signs stayed up for a month," he said. "Things are getting ugly out  
there."<B! r Jeff Mapes: 503-221-8209; jeffmapes@news.oregonian.com

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## 18 OREGON (7 EVs): With Friends Like These...

Groups allied with Pres. **Bush** "are encouraging their conservative members to do the seemingly unthinkable": attend a convo 6/26 to help put **Ralph Nader** on the OR ballot. The groups, "with the encouragement" of some GOP political operatives, "are telling their members that Nader would draw votes" from **John Kerry** "and boost Bush's chances" of winning OR.

Officials "from two groups that have been calling members," the OR Family Council and Citizens for a Sound Economy, "said they had no qualms about trying to help Nader despite opposing most of what he stands for." OR Family Council's **Tim Nashif**: "We'd like to take a few votes away from John Kerry if it would be possible." The group "has been making hundreds of phone calls to members urging them to help get Nader on the ballot."

The OR Family Council "also puts out a guide for Christian voters and Nashif is a key organizer of the effort to qualify a ballot measure that would prohibit same-sex marriage in the state."

Citizens for a Sound Economy state dir. **Russ Walker** "said the idea of helping Nader has been widely discussed among conservative groups and activists" in OR. Walker: "It's definitely an interesting scenario. ... We don't agree with Ralph Nader's positions on the issues -- he's socialistic and we're free marketers. ... We think he'll take some of the more extreme votes from the other side."

OR Family Council official **Mike White** "said he was encouraged by someone" in the OR GOP "to help boost turnout" for Nader's convo. White "said the effort" was "some kind of party outreach thing."

Bush camp spokesperson **Steve Schmidt** "said no paid campaign staffers were making calls to encourage" GOPers "to help Nader. But he said some volunteers may well have made calls" from the camp's office. Schmidt: "The campaign certainly understands that when Republican volunteers see that there are Democrat volunteers trying to restrict the choice and keep Ralph Nader off the ballot, that they should work to expand choice."

Kerry spokesperson **Laura Capps** criticized the GOP help for Nader in OR, "saying it was a 'shame the Bush camp has to resort to such tactics to lure their base to support a third-party candidate'" (**Mapes**, *Portland Oregonian*, 6/25).

Nader OR camp head **Greg Kafoury** "said he's had no contact with the two conservative groups that have been calling people this week. But he said he's not bothered by their actions, either." Kafoury: "It's a free country; anybody can come to a political convention" (**Cain**, AP, 6/25).

### What They're Saying

The Citizens for a Sound Economy phone script:

"Hi. This is \_\_\_\_\_ with Citizens for a Sound Economy. I am calling because we have a chance to stop John Kerry from winning in Oregon. As you have probably heard, Ralph

Nader is trying to make the ballot in Oregon for the November Election. He is going to be in town this weekend to host a nominating party on Saturday night at Benson High School. Ralph Nader needs 1000 signatures to qualify for the ballot, and we need to ensure he gets them. Ralph Nader is undoubtedly going to pull some very crucial votes from John Kerry, and that could mean the difference in a razor-thin Presidential election. Can we count on you to come out on Saturday night and sign the petition to nominate Ralph Nader?"

The OR Family Council script:

"We're calling about a great opportunity for you to help President Bush. It's a little unconventional, but ... Ralph Nader, an environmental and anti-war activist, is holding an open rally this weekend to try to obtain 1,000 signatures from registered Oregon voters to qualify for the November ballot in Oregon. We don't think that many people will show up. If Ralph Nader gets on the ballot, he would pull thousands of liberal votes that would otherwise go to Kerry and perhaps cause President Bush to lose the election. Would you like to take this opportunity to help President Bush by coming out Saturday night to make sure Ralph Nader gets on the ballot? The event is Saturday night at Benson High School from 5-7 pm" (*Hotline* sources, 6/25).

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Citizens for a Sound Economy  
June 27, 2004

## Phone Script: Conservatives for Ralph Nader?

***Oregon CSE members push to get Nader on the ballot.***

Contact: Chris Kinnan  
Phone: (202) 236-5615  
Email: ckinnan@cse.org

**Washington, D.C.** - Oregon CSE members are working to get Ralph Nader on the November ballot! While this sounds completely backwards-- Ralph Nader opposes nearly every issue CSE fights for-- but there's sound logic behind Oregon CSE's actions. CSE does not advocate the election or defeat of political candidates, but Oregon CSE members feel that having Nader on the ballot helps illuminate the strong similarities between the uber-liberal Nader and John Kerry. That's why they've been making calls to their friends to sign a petition to get Nader on the ballot by attending a townhall on June 26th, using a phone script that reads:

"Hi, my name is Russ Walker, director of Citizens for a Sound Economy here in Oregon, and I wanted to tell you about an opportunity we have to drive a wedge through the Liberal Left's base of support.

In this year's presidential race, Ralph Nader could peel away a lot of Kerry support in Oregon, but he has to be on the ballot first. He will make it if at least 1,000 people show up this Saturday at Benson High school at 4:00 pm and sign the petition to certify his candidacy. **[[Please note-- this event already occurred on June 26th]]**

Liberals are trying to unite in Oregon and keep Nader off the ballot to help their chances of electing John Kerry. We could divide this base of support by showing up at Grant High school on Saturday.

Poor Ralph Nader: He just wants to make the ballot here in Oregon. Let's give him what he wants and just watch what happens in November!"

—30—

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For more information visit <http://www.cse.org>

**Citizens for a Sound Economy**  
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Washington, DC 20036  
Phone: (202) 783-3870 Fax: (202) 232-8356  
Toll Free: 1 888 JOIN CSE (1-888-564-6273)  
[www.cse.org](http://www.cse.org) E-mail: [cse@cse.org](mailto:cse@cse.org)

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Exhibit C  
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## **Nader planning petition drive to qualify for Oregon's ballot**

**Campaign officials say the drive would be insurance if the signatures gathered at a June 26 event fall short**

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**JEFF MAPES**

Consumer advocate Ralph Nader, who is beginning to run up against an Aug. 24 deadline for qualifying for the ballot in Oregon, plans to launch his third effort to join the presidential race here.

After holding two conventions, Nader organizers say they will switch gears and have a petition drive. But that route has legal and logistical roadblocks that could keep his independent candidacy off the ballot.

Whether Nader appears on the Oregon ballot could play an important role in the outcome of the state's presidential vote. Officials from both the Republican and Democratic parties think that Oregon will be closely contested and that Nader could draw away enough votes from Democrat John Kerry to aid the Republican incumbent, George W. Bush.

The Nader campaign initially expected to qualify quickly for Oregon's ballot by attracting at least 1,000 registered voters to an April convention featuring Nader. That effort fell short by more than 200 voters, forcing the campaign to try again on June 26.

At that event -- which attracted some Bush supporters who liked the idea of having Nader on the ballot -- organizers said they were able to collect signatures from more than 1,000 attendees.

But Greg Kafoury, a Portland attorney running the Nader campaign in Oregon, said he's not sure there were enough signatures from properly registered voters.

While they're waiting to verify the signatures, Kafoury said, the Nader campaign decided to take another approach to getting on the ballot: a petition drive.

"Maybe it will be essential," Kafoury said. "Maybe it will just be insurance."

### **New hurdles await**

The petition drive comes with its own set of hurdles. The Nader campaign originally wanted to collect the 15,306 signatures needed to qualify him as an independent candidate.

But state Elections Director John Lindback said his office probably would not approve that approach because Nader's vice presidential candidate, Peter Camejo, is a member of the Green Party, not a registered independent.

The Nader campaign's other option is to collect the 18,908 signatures needed to form a minor party that then could nominate Nader and Camejo to appear on the Oregon ballot.

That approach also has its pitfalls. The new minor party would need to leave time to hold a nominating convention.

Kafoury said the Nader campaign is working on the legal issues and has not decided what kind of petition drive to launch.

In any case, the signatures must be gathered and verified by Aug. 24 to qualify for the ballot in

Oregon. Lindback said that means the Nader campaign probably would have to finish its signature-gathering by about Aug. 16 — slightly more than a month from now.

Nader, the Green Party nominee in the past two elections, was on the ballot in Oregon and 42 other states in 2000. This year, he has faced legal challenges in several states and has complained that Democrats are trying to sabotage his candidacy.

### **Conservatives ready to help**

Richard Winger, who runs the nonpartisan Ballot Access News, said Nader has a chance to qualify in as many as 45 states this year, but it could be a much lower number.

Nader may continue to get help from Bush supporters in this state. Citizens for a Sound Economy, a conservative group with funding from several business figures, urged members to attend the Nader convention last month and is ready to help again.

"We actually talked about launching this (petition drive) ourselves," said Russ Walker, the Oregon director of the group. "We are going to do something. Probably, at a minimum, we'd ask members to circulate the petition and help get Nader on the ballot."

Dawn Phillips, a spokeswoman for the Oregon Republican Party, said the party would not get formally involved in the Nader effort.

However, "there may be some volunteers and grass-roots people who may help him," she said, "because there are lot of people who want him on the ballot."

Democratic Party officials said they will scrutinize any Nader petition drive.

"We are monitoring the process very closely to ensure that the integrity of Oregon's election process is upheld," said Neel Pender, the party's executive director.

When asked how confident he was that Nader would make the ballot, Kafoury replied: "We'll do what is necessary. We are serious people."

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OPB News

[print this page](#)**Nader May Get Help From Oregon Conservative**

By Colin Fogarty

PORTLAND, OR (2004-07-14) (OPB News) - Oregon supporters of independent presidential candidate Ralph Nader may get help from a conservative group that's out to make Oregon a harder state for Democrats to win in November.

Russ Walker, with the anti-tax group Citizens for Sound Economy, collected enough signatures last year to force a referendum on a tax measure.

Now, Walker says he's using his 170,000 name mailing list to help get Ralph Nader on the ballot.

Nader supporters failed in one nominating convention in April to gather enough signatures to put their candidate on the ballot. They're taking no chances on the second such event they held last month.

Now they plan to collect 15,000 signatures to ensure Nader is on Oregon's ballot.

Nader supporter Greg Kafoury says he's never spoken to Russ Walker, but doesn't reject help from conservatives.

Greg Kafoury: "It's a free country. Anybody can download these things. Anybody can get signatures on these. Nobody needs my permission."

Oregon is seen as a close state in the Presidential election -- where Nader could tilt the balance.

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